



Docket No.: 1454.1059-C

TFW
2195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Wolfgang STRIPF et al.

Serial No. 09/843,686

Group Art Unit: 2195

Confirmation No. 3446

Filed: April 30, 2001

Examiner: 11/01/2005 JED001 00000016 09843686

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For: PROGRAMMABLE CONTROLLER

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Siemens AG, is the owner of one hundred percent interest in the instant application by virtue of an Assignment recorded in the Parent Application Serial No. 09/101,611 on July 17, 1998 at Reel 9499, Frame 0758. Petitioner has reviewed the evidentiary Assignment documents, and to the best of the undersigned's knowledge and belief, the title is in the name of Siemens AG, as specified previously. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,263,487, issued July 17, 2001. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,263,487 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of prior U.S. Patent No. 6,263,487, as presently shortened by any terminal disclaimer, in the event that it

later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Date: Nov 18 2005

M. J. Henry
Mark J. Henry
Registration No. 36,162

- ☒ Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certificate. See MPEP § 324.